THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.22197 of 2006

Date: 09-08-2007.

Between :

Smt. G.V.Ramana.

.....Petitioner

And

The Collector (CS), Prakasam District, Ongole & others.

.....Respondents.

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.22197 of 2006

ORDER :

Petitioner is authorised dealer of the Fair Price Shop of Kamepalli village. The Enforcement Deputy Tahsildar, Addanki, having inspected the petitioner's shop and having found certain irregularities, seized the stocks under a panchanama dated 25.02.2006. He also submitted a report to the Revenue Divisional Officer, Ongole, on the basis of which, a show-cause notice dated 06.03.2006, was issued to the petitioner, calling for explanation. The petitioner submitted her explanation denying all the allegations. Having considered the same, the Revenue Divisional Officer, by order dated 27.03.2006, suspended the authorization of the petitioner, pending further inquiry. The said order is under challenge in this writ petition.

This Court, while directing Rule Nisi by order dated 27.10.2006, granted interim suspension of the impugned order, by virtue of which, the petitioner is continuing as a dealer as on today.

A counter affidavit has been filed on behalf of the respondents, stating that the inquiry initiated against the petitioner will be concluded following due process of law.

However, the learned counsel for petitioner vehemently contended that since the confiscation proceedings initiated against

the petitioner under Section 6-A of the Essential Commodities Act, 1955 (for short 'the Act') ended in favour of the petitioner, holding that the variation of 49 Kgs of rice found at the time of inspection is within the permissible limits and the other allegations are technical and trivial in nature, the Revenue Divisional Officer cannot proceed with the inquiry under the provisions of the A.P.State Public Distribution System Control Order, 2001 (for short 'the Control Order').

On a careful consideration of the entire material on record, I do not find any substance in the contention of the petitioner. It is true that the Joint Collector passed an order on 23.04.2007, holding that the variation in stocks was within the permissible limits and accordingly the confiscation proceedings were dropped. However, I do not find substance in the contention that having regard to the said findings the 2nd respondent is bound to drop the proceedings initiated under the provisions of the Control Order. The law is settled that the disciplinary proceedings under the Control Order are entirely different and distinct from the confiscation proceedings under Section 6-A of the Act and therefore, it is open to the 2nd respondent-Revenue Divisional Officer to proceed with the inquiry following due process of law.

However, having regard to the fact that the impugned order dated 27.03.2006 was suspended by this Court on 27.10.2006 and the said order continued to be in operation all through, I deem it appropriate to dispose of the writ petition with a direction that the impugned order dated 27.03.2006 shall remain suspended till the inquiry is completed. No costs.

G. ROHINI, J

9th August, 2007

ajr